

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Respondent,*

*v.*

ALFRED MOLINA JR.,  
*Petitioner.*

No. 2 CA-CR 2014-0451-PR  
Filed April 22, 2015

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.*

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Petition for Review from the Superior Court in Pima County  
Nos. CR20123830001 and CR20123949001  
The Honorable Richard D. Nichols, Judge

**REVIEW DENIED**

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Alfred Molina Jr., San Luis  
*In Propria Persona*

STATE v. MOLINA  
Decision of the Court

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**MEMORANDUM DECISION**

Presiding Judge Miller authored the decision of the Court, in which Chief Judge Eckerstrom and Judge Espinosa concurred.

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M I L L E R, Presiding Judge:

¶1 Alfred Molina Jr. seeks review of the trial court's orders denying his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. For the reasons that follow, we deny review.

¶2 Molina pled guilty in two cause numbers to two counts of second-degree burglary and admitted having a previous felony conviction. Citing as an aggravating factor Molina's "extensive criminal history," the trial court imposed enhanced, aggravated, ten-year concurrent prison terms for each offense. Molina sought post-conviction relief,<sup>1</sup> and counsel filed a notice stating she had reviewed the record but found no "legal issues of merit" to raise in post-conviction proceedings. Molina then filed a pro se petition, along with numerous supplements and amendments, raising various claims, specifically: (1) his ten-year prison terms were excessive; (2) his presentence report was misleading because it did not indicate that one of his previous convictions had been vacated and misstated the nature of another offense; and (3) his having suffered a brain injury and having been evaluated as "low . . . functioning" following a psychological evaluation were mitigating factors his counsel should have presented. The trial court summarily denied relief, and this petition for review followed.

¶3 On review, Molina cursorily restates his claims but does not cite relevant supporting authority, provide references to the

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<sup>1</sup> Although Molina's notice of post-conviction relief was untimely, *see* Ariz. R. Crim. P. 32.4(a), the trial court permitted the delayed notice pursuant to Rule 32.1(f).

STATE v. MOLINA  
Decision of the Court

record, or identify any error in the trial court's analysis. *See* Ariz. R. Crim. P. 32.9(c)(1) (petition for review must comply with rule governing form of appellate motions and contain "reasons why the petition should be granted" and "specific references to the record"). His failure to meaningfully comply with Rule 32.9 justifies our summary refusal to grant review. *See* Ariz. R. Crim. P. 32.9(f) (appellate review under Rule 32.9 discretionary); *see also* *State v. French*, 198 Ariz. 119, ¶ 9, 7 P.3d 128, 131 (App. 2000) (summarily rejecting claims not complying with rules governing form and content of petitions for review), *disapproved on other grounds by* *Stewart v. Smith*, 202 Ariz. 446, ¶ 10, 46 P.3d 1067, 1071 (2002); *cf.* *State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument waives claim on review).

¶4 Indeed, the only authority Molina cites relates to claims not raised below—that the state could not seek an aggravated sentence because he had received "no formal notice" it would do so, and that the court was precluded from finding "any aggravators other than one prior conviction." We do not address claims raised for the first time on review. *State v. Ramirez*, 126 Ariz. 464, 468, 616 P.2d 924, 928 (App. 1980).

¶5 We deny review.